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By the House of Delegates,

March 4, 1866.

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By order,

THOMAS H. KENT, of Jos., Clerk.

REPORT

OF THE

SELECT COMMITTEE

ON

CONVENTS AND NUNNERIES.

REPORT.

The Select Committee to whom were referred the various petitions, asking further legislation for the protection of persons unlawfully confined in Convents and Nunneries, beg leave respectfully to report :

That they have given the subject that calm and deliberate consideration which its importance demands, and while they have been led unanimously to the conclusions they present, they will not be able to do more than state those conclusions, without furnishing all the reasons in detail, which have induced their adoption.

The Constitution and Declaration of Rights of our State, guarantee to every individual the right to worship God in such manner as he may think most acceptable to Him ; and they also declare that no person ought, by any law, to be molested in his person or estate on account of his religious persuasion, or profession, or for his religious practice, unless under color of religion any man shall disturb the good order, peace or safety of the State. And, however persons may differ as to the propriety or necessity of establishing Religious Houses, Monasteries, or Convents, in which professors of religion may seclude themselves from the world, the *right* of any individual, under our laws, to enter such places, and there remain of their own free will, cannot admit of a doubt.

As to the propriety of persons entering such Institutions, your Committee are not called upon to inquire, nor is it made their duty to determine whether such Institutions are consistent with the spirit of the Age, with the "well established" and dearly cherished principles of our Government, or with the expressed sentiments of the American People.

The question to be determined is, whether, in reality, there are within the limits of this State Religious Houses in which persons are unlawfully deprived of their natural, civil or religious rights, and whether any case has been presented to this House properly supported, which justifies an examination or inspection of such places, or demands additional Legislative protection.

Mere complaints that there are religious institutions where such persons are *said* to be detained against their will, are not sufficient to justify legislative interference, for it is possible that unlawful restraints have been exercised in private houses, and many individuals deprived of their liberty and right, in the place recognized by the law to be their castle. Yet no one has thought because of such

abuses, that the Legislature ought to authorize Grand Juries, or Committees to forcibly enter and inspect private houses on suspicion that these abuses did exist. Such a proceeding would not be tolerated in any free government.

Nor was it intended that Grand Juries or Orphans' Courts should act the part of Grand Inquisitors. That function has been established in other Countries by ecclesiastical and civil laws, and the result has been such as to prevent your Committee from recommending any such course in this State.

Nor is it submitted to this Committee to inquire whether any further legislation should be had as to the *property* of persons who may choose to enter those Institutions. The single matter referred to them is the *personal protection* of those entering Convents, and whether there be, under the existing laws sufficient remedy for illegal restraint upon such persons.

Your Committee would, therefore, respectfully suggest, in the first place, that no allegation has been substantiated, nor has proof been exhibited that any person is now unlawfully confined in any religious house or Convent within the limits of the State.

There is a general charge that such a state of things does exist, and the statement is also made that unsuspecting females are decoyed into such places and there detained against their will; but it is necessary to justify the interference of this Body that the petitioners should state some particular case, and the facts in the case wherein a wrong is committed, or a right violated, so that the House could, as the Grand Inquest of the State, act, as all other Grand Inquests do upon oath or statement in regard to the particular facts.

But even admitting, for the sake of argument, that the charge be true, and that certain persons are confined against their will, still your Committee are of the opinion that the laws of the land, and those now in force in this State, furnish an effectual and complete remedy for all such cases as have been reported for their consideration.

It would indeed be an outrage were it not so, and if, in fact, it were permitted to any religious sect or persuasion to erect private houses or Convents, with intent to confine persons unlawfully within their walls, and if, in a single instance properly authenticated, such an intention were carried out with impunity, it would not only be a flagrant violation of all law, but an outrage upon the feelings of any civilized community.

But your Committee need only remind the House that that great safeguard of personal liberty, the writ of Habeas Corpus, throws ample protection around even the humblest citizens of our Commonwealth; and that if any person, whatever, has reason to believe that any individual is detained unlawfully, or against his will, in any

Convent or Religious House upon oath of such person, so believing, before any Court of this State, this writ issues, as of right, commanding the Owner, Director, or Superior of any such house or convent, to bring before such Court the individual so detained; and neither bolts nor bars, nor any religious vows can prevent the service of, or compliance with such writ; but it is a speedy, summary and sure writ of deliverance, to any one deprived of his liberty, by any unlawful means, or under pretext of any religious vow or consecration.

Your Committee have, therefore, arrived at the unanimous conclusion, that, if, as alleged by the petitioners, persons are detained against their will, in any Religious House or Convent, it is not because the law does not afford ample protection, but because of the neglect to execute its demands; and it is the fault of those interested in the *execution* of the law, not the defect of proper legislation.

Believing, therefore, that no further legislation is necessary for the security of the citizen, or for the peace, good order and safety of the State, they beg leave, respectfully, to submit these reasons, which have led them to this conclusion—to the further consideration of the House, and to the enlightened judgment of the people of Maryland.

LEWIS P. FIERY,
 ANTHONY KENNEDY,
 JAMES R. PARTRIDGE,
 WM. D. BOWIE,
 WM. B. CLARKE.

